

which alleges that the patent beneficially teaches the instant claims by disclosing therapeutic topical compositions of sacred lotus seed for treatment of aging skin.

The specific use of sacred lotus seed for aging skin, respectfully, is not taught in the Riley reference as contained in the present application.

First, the present application is solely addressing a topical composition. Second, each independent claim addresses the continued use of "Lotus seed extract" and "Lotus flower extract" together, with the second independent claim having one or more methyl donors added thereto.

Having viewed the references cited by the Examiner, we find that the reference in Riley to Column 2, Lines 44-51, is merely a general reference, in Column 3, Line 10-18, Column 4, Lines 21-25, Column 5, Lines 46-60, Table 5, Example 7, and Column 6, Lines 17-23, do not teach, suggest nor motivate one skilled in the art to make the applicant's combination in Claims 1 or 2 (all other claims are dependent claims). Therefore, under a teach, motivate or suggest test, the present invention claimed is not obvious under Section 103(a).

The recent ruling in *KSR International Co. v. Teleflex, Inc.* provides for a broader approach to obviousness not restricting analysis to the teach, suggest or motivate test. However, the compositions contained within, for example as cited by the examiner at Column 10, Lines 1-32 (Example 7) contains thirty-three components, only one being the lotus seed. The combinations that could be made from such a listing of components results in thousands of possible combinations, which could result in years of experimentation, rather than their routine optimization. Thus, under the teach, suggest or motivate criteria or the *KSR* criteria, the present combination of the independent Claims 1 and 2 as well as the dependent claims are not obvious to one skilled in the art.

Applicant's attorney respectfully requests that the examiner reconsider the rejection under Section 103(a) in light of the aforesaid argument, and that the prior art would not have been obvious to one of ordinary skill in the art.

All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

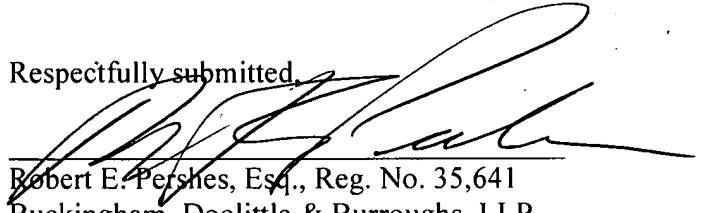
Conclusion

Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their depending from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the Examiner.

The Commissioner is hereby authorized to change any additional fee required to effect the filing of this document to Account No. 50-0983.

Respectfully submitted,



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